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Message from the President of the United States, transmitting a communication from the Secretary of the Interior, relative to the payment of certain money to the Eastern Cherokee Indians.

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## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication from the Secretary of the Interior, relative to the payment of certain money to the Eastern Cherokee Indians.*

MARCH 3, 1886.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

*To the Senate and House of Representatives :*

I transmit herewith a communication of 25th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill, recommended by the Commissioner of Indian Affairs, for the payment of money claimed under alleged existing treaty stipulations and laws by such Eastern Cherokee Indians as have removed or shall hereafter remove themselves to the Indian Territory.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, March 2, 1886.

DEPARTMENT OF THE INTERIOR,  
Washington, February 25, 1886.

*To the President :*

I have the honor to submit herewith a draft of proposed legislation, prepared in the Office of Indian Affairs, entitled "A bill for the removal of the Eastern Cherokee Indians to the Indian Territory," for which purpose the sum of \$20,000 is estimated to be appropriated thereunder.

This bill provides for the payment not only of the expenses of removal of such of the said Indians as may desire to remove west, at the rate of \$53.33 each, but also for the payment of certain of the Eastern Cherokees who heretofore have so removed at their own expense, and who are entitled to reimbursement at the rate above stated for such expenses.

A copy of report of 20th instant from the Commissioner of Indian Affairs, transmitting the draft of bill to this Department, which recites the various provisions of the treaties and laws bearing upon the subject, together with a copy of the letter of the Cherokee attorney mentioned therein, is also herewith.

The Commissioner recommends the appropriation. I respectfully request that the matter may be presented to Congress for such action as that body may find to be right and proper.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. LAMAR,

*Secretary*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, February 20, 1886.*

SIR: I have the honor to submit herewith a copy of a communication dated Washington, D. C., January 20, 1886, from J. M. Bryan, attorney, inviting attention to certain claims of North Carolina Cherokees for removal and subsistence money they are entitled to receive under the provisions of the treaties of 1835, 1836, 1846, and an act of Congress approved July 29, 1848 (9 Stats., p. 264).

By the eighth article of the New Echota treaty of December 29, 1835, with the Cherokees (7 Stats., p. 482), the United States agreed to remove these Indians west, the price for removal being fixed at \$20 and one year's subsistence at \$33.33 for each of such persons who might prefer to remove themselves.

By the third article of the supplementary treaty of March 1, 1836 (7 Stats., p. 488), the sum of \$600,000 was allowed to the Cherokees in lieu of all claims of every nature and description against the United States, including the expenses of their removal.

By the eleventh article of the treaty of August 6, 1846 (9 Stats., p. 873), the question whether the amount expended for the one year's subsistence should be paid out of Government or Cherokee funds was submitted to the Senate for decision, as also the question if the Cherokees were to pay, whether the subsistence should be charged at a greater rate than \$33.33 per head.

The fourth section of the act of July 29, 1848 (9 Stats., 264), directed the Secretary of War to ascertain the number of Indians remaining at the ratification of the New Echota treaty, May 23, 1836, and the Secretary of the Treasury to set apart a sum equal to \$53.33 for each individual reported by the Secretary of War, upon which interest was to be paid at 6 per cent. per annum on such per capita.

The fifth section provided for the payment of the \$55.33 for the removal and subsistence of such individual members as might thereafter desire to remove, upon their removal west, which amount was to be charged to the general Cherokee fund and reimbursed therefrom.

This fund, under the act of March 3, 1875 (18 Stats., 447), was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected, and under the act of August 15, 1876 (19 Stats., 197), the balance of this fund, after certain payments therefrom, was placed to their credit upon the books of the Treasury Department, to bear interest at 5 per cent. per annum, and the Secretary of the Interior is authorized to use annually, for agricultural implements and for educational purposes among said Indians, so much of the principal of said fund as, with the interest annually accumulating thereon, shall amount to \$6,000.

In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary

means to enable the Department to effect their removal, as stipulated in the eighth article of their treaty of 1835.

I therefore respectfully recommend that Congress be requested to appropriate, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary to pay the cost of the removal and subsistence of those members of the tribe who have removed, as well as those who may now or hereafter desire to remove, at the rate of \$53.33 per head.

I inclose herewith a draft of a bill covering the amount required to carry out the objects specified.

Very respectfully,

J. D. C. ATKINS,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

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A BILL for the removal of the Eastern Cherokee Indians to the Indian Territory.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for the amount necessary to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove to the Cherokee Nation, in the Indian Territory, at the rate of fifty-three dollars and thirty-three cents per head, being the amount specified in the eighth article of the Cherokee treaty of December twenty-ninth, eighteen hundred and thirty-five, and the act of Congress approved July twenty-ninth, eighteen hundred and forty-eight, there is hereby appropriated the sum of twenty thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.

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WASHINGTON, D. C., January 20, 1886.

SIR: I respectfully beg leave to call your attention to a claim of North Carolina Cherokees, who removed from North Carolina to the Cherokee Nation Indian Territory, about ten years ago.

The list of these claimants that I am representing is on file in the Indian Department, and every claim fully proven, as to number of persons and date of removal.

The claim is for their removal, and subsistence for one year.

Under Cherokee treaty of 1846, provision is made that all money due the Cherokees the United States Government agrees to pay 5 per cent. interest from the 12th of June, 1838.

Therefore, we think it reasonable and just, that these claimants should receive interest on the several sums due them from the date of their removal west, as it was their own funds placed in the hands of the United States Government for this special purpose, and to draw interest at the rate of 6 per cent. per annum.

It has been near nine years since these claims have been presented to the Government for payment.

I also submit a report from the Interior Department, dated February 10, 1885, for your information, on these claims, and I respectfully ask that you will have their money appropriated and paid.

Very respectfully,

J. M. BRYAN,  
*For Claimants.*

Hon. J. D. C. ATKINS,  
*Commissioner Indian Affairs.*